

**TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS  
MINUTES**

**DATE:** June 23, 2006

**TIME:** 9:00 a.m., CST

**LOCATION:** Millennium Maxwell House  
2025 Metro Center Boulevard  
Nashville, TN 37228

**MEMBERS**

**PRESENT:** David Long, DPM, Chair  
Kathryn Riffe, DPM, Secretary  
Aaron Perkins, DPM  
Berkeley Nicholls, DPM  
Karl Fillauer, CPO

**MEMBERS**

**ABSENT:** Shannon Bottoms, Citizen Member

**STAFF**

**PRESENT:** James A. Hill, Board Administrator  
Ernest Sykes, Advisory Attorney  
Robbie Bell, Director  
Barbara Maxwell, Administrative Director

Dr. Long, chair, called the meeting to order at 9:00 a.m. A roll call vote was conducted and a sufficient number of board members were present to constitute a quorum.

**Review April 7, 2006 minutes**

Upon review of the April 7, 2006 minutes, Dr. Riffe made a motion, seconded by Dr. Nicholls, to approve the minutes as written. The motion carried.

**Conflict of Interest Policy**

Mr. Sykes discussed the conflict of interest policy stating the department prefers very liberal disclosure of even possible conflicts of interest and state it is the board member's obligation to disclose even the possible semblance of a conflict for the record to determine whether he or she can render unbiased judgment in the matter appearing before the board.

**Agreed Order for David E. Haverly, DPM**

Schean Belton, Office of General Counsel's prosecuting attorney for the Board of Podiatric Medical Examiners, presented an agreed order for David E. Haverly, DPM.

Ms. Belton reviewed the Agreed Order which states Dr. Haverly is in violation of T.C.A. §63-3-119(a)(4) unprofessional conduct and T.C.A. §63-3-119(a)(13) dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice. Ms. Belton stated the order requires respondent to be placed on probation for one (1) year, maintain accurate records on all patients and available for inspection by the Department of Health during the one (1) year probationary period and pay \$100 in Type B civil penalties per patient listed in the order for a total of \$1,300 within twelve (12) months from the effective date of this Agreed Order.

Upon review and discussion of the Agreed Order, Dr. Perkins made a motion, seconded by Dr. Nicholls, to accept the Agreed Order as written. The motion carried.

#### **Agreed Order for Michael Lawrence, DPM**

Ms. Belton stated the case against Dr. Lawrence was closed in the Office of General Counsel with a letter of warning.

#### **Investigative Report**

Ms. Bell reviewed the investigative report stating two new complaints were received in January of this year against Podiatrist and four carried over from last year for a total of six (6) complaints year to date.

Ms. Bell stated there are no complaints against Podiatric X-Ray Operators.

#### **Disciplinary Report**

Ms. Bell reviewed the disciplinary report which lists disciplined podiatrists currently being monitored. Ms. Bell stated Ms. Phelps monitors the disciplined practitioners and should a practitioner not fulfill the requirements of the board order they will appear before the board.

#### **Financial Report**

Ms. Bell reviewed the financial report stating the board currently has a cumulative carryover of \$10,607.65 as of June 30, 2006.

#### **Administrative Report**

Mr. Hill reviewed the administrative report with the board stating there are 222 active podiatrists and 135 active podiatric x-ray operators.

Mr. Hill said the new RBS system is due to go online in March of 2007 and asked that all travel requests be submitted 120 days prior to the travel date.

#### **Status Report**

Mr. Hill reviewed the status report stating there are 222 active podiatrists, 98 voluntarily retired, 3 administrative revoked, 140 failed to review and 25 deceased.

Mr. Hill stated there are 135 active podiatric x-ray operators, 5 voluntarily retired and 61 failed to renew.

### **Jerry Kosten, Rules Coordinator**

Mr. Kosten discussed the Pedorthist, Orthotist and Prosthetist professions whose eligibility for licensure via practice experience alone ends December 31, 2006.

Mr. Kosten stated the Attorney General's Office had a few questions regarding the clarification in the rules pertaining to qualifications for licensure. Mr. Kosten said the statute states the applicant must possess four years of education, complete a qualified work experience program, internship and pass the exams, whereas the rules lay out a series of "ors" and "and."

Upon conclusion, the board amended the rules to detail the educational and training qualifications for licensure as a Pedorthist, Orthotist and Prosthetist.

Mr. Kosten discussed continuing education for orthotists, prosthetists and pedorthists which requires 15 hours of continuing education for single certification and 20 hours for dual certification with a minimum of six hours in each category.

Upon discussion of the number of supervised hours and jurisprudence examination, Dr. Perkins made a motion, seconded by Mr. Fillauer, to require 60 hours of supervised on-the-job experience and accept the 50 question jurisprudence examination. The motion carried.

### **Review correspondence**

Upon review of the correspondence regarding the expired podiatric s-ray license application for **Beverly Caldwell**, Dr. Perkins made a motion, seconded by Dr. Nicholls, to issue Ms. Caldwell a temporary license pending receipt of a letter from Dr. Krouse that she passed the examination, at which time she will be issued a license. The motion carried.

### **Podiatry application**

Upon review of the application for academic, examination and reciprocal applicants the board determined to utilize one application for all three areas of licensure.

### **File Review**

Upon review of the application of **Christopher Anna, DPM**, Dr. Nicholls made a motion, seconded by Dr. Perkins, to approve Dr. Anna to begin the one-year residency training. The motion carried.

Upon review of the academic application of **Brian Chattalain, DPM**, Dr. Perkins made a motion, seconded by Dr. Nicholls, to approve Dr. Chattalain for licensure. The motion carried.

Upon review of the application of **Bradley Gibson, DPM**, Dr. Perkins made a motion, seconded by Dr. Nicholls, to approve Dr. Gibson for licensure pending successfully passing the oral examination. The motion carried.

Upon review of the applications of **Carolyn Payne and Wendy Leanne Wiseman, Podiatric X-ray Operators**, Dr. Perkins made a motion seconded by Dr. Riffe, to approve Ms. Payne and Ms. Wiseman for licensure. The motion carried.

**Ernest Sykes, Advisory Attorney, Office of General Counsel (OGC)**

Mr. Sykes stated the amendment to Rule 1155-2-.02, .04, .08, .12, .22 pertaining to advertising, ankle continuing education, lab tests and replacing the oral exam with the law exam, becomes effective July 10, 2006 and the amendment to Rule 1155-2-.04, .05, .08, .14, 1155-3-.01 pertaining to criminal background checks and exam rule clean-up becomes effective July 17, 2006.

Mr. Sykes said the amendment to Rule 1155-2-.01, .03, .11, .12, .19 and .21 pertaining to titles, advisory rulings, screening panels and PC-LLCs was sent to the Attorney General March 14, 2006 where it remains.

Mr. Sykes said the new Rule 1155-4 pertaining to the new professions (Orthotists, Prosthetists and Pedorthists) was sent to the Attorney General March 14, 2006 where it remains.

Mr. Sykes stated OGC currently has four (4) open disciplinary cases pertaining to the Board of Podiatric Medical Examiners.

Mr. Sykes said at the last meeting, the board members asked whether it is legal to require applicants to supply their social security numbers on the application. Mr. Sykes stated Federal law 42 U.S.C. §405(c)(2)(c)(i) authorizes state agencies to require social security numbers so long as the agency gives individuals “notice of whether providing the SSN is mandatory or voluntary, what the state agency’s authority to require the SSN is and to what use the state agency will put the SSN.”

Mr. Sykes stated it is a policy of the United States that any state may in the administrative of any tax, general public assistance, driver’s license, or motor vehicle registration law within its jurisdiction, utilize the social security account numbers for the purpose of establishing the identification of individual affected by such law. Mr. Sykes said that regulating the podiatrists of this state falls under the broad number of general public assistance and it is appropriate for the board to require social security numbers of its applicants.

Mr. Sykes said the board aside at the last meeting if they may require reciprocity applicants to retake the PM Lexus examination if the exam is over five years.

Upon discussion, Dr. Perkins made a motion, seconded by Dr. Riffe, to require all applicants to retake the PM Lexus examination if the exam is over five years. The motion carried.

With no other board business to conduct, Dr. Perkins made a motion, seconded by Dr. Nicholls, to adjourn at 12:18 p.m. The motion carried.